

FEB 28 2012

JULIA C. DODLEY, CLERK  
BY:  DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

MICHAEL WAYNE HASH,

*Petitioner,*

v.

GENE M. JOHNSON,  
DIRECTOR OF VIRGINIA  
DEPARTMENT OF CORRECTIONS,*Respondent.*

Civil Case No. 7:10-cv-00161

FINAL ORDERBy: James C. Turk  
Senior United States District Judge

In accordance with the accompanying Memorandum Opinion entered this day, it is hereby

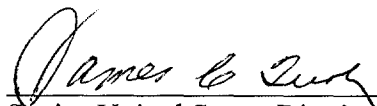
**ADJUDGED and ORDERED**

as follows:

- (1) Respondent's motion to dismiss (Dkt. No. 44) is **DENIED** and Petitioner's motion for summary judgment (Dkt. No. 46) is **GRANTED**;
- (2) The writ of habeas corpus is **GRANTED**; and
- (3) Unless the Commonwealth decides to retry Petitioner within a reasonable time, not to exceed six (6) months, Respondent is directed to release Petitioner.

The Clerk is directed to strike this case from the Court's active docket and send copies of this Order and accompanying Memorandum Opinion to all counsel of record.

ENTER: This 28<sup>th</sup> day of February, 2012.

  
Senior United States District Judge